



**Chief Constables
Chief Crown Prosecutors**

24 April 2020

Dear Colleagues

Re Custody Protocol – Covid-19 response

We wrote to you on 2 April 2020 with details of a custody interview protocol agreed between the CPS, NPCC, the Law Society, the Criminal Law Solicitors Association and the and the London Criminal Courts Solicitors' Association. The principles set out in the protocol should be applied for suspect interviews whether conducted in custody, or elsewhere.

Following feedback from police, defence practitioners, the Home Office and the National Appropriate Adult Network the protocol has been amended. The amendments to this protocol include:

- Provision for defence practitioners to “attend” police interviews by telephone in certain circumstances;
- Special care should be taken in deciding whether, and how, an interview of a child or vulnerable adult should proceed. When an appropriate adult is required for a suspect, they must be physically present with the suspect in interview and should be involved in any discussion about interview arrangements.


It is acknowledged that the Coronavirus crisis involves the application of PACE Code C in circumstances which are unlikely to have previously been anticipated. The signatories to this Protocol accept that remote interviews by video and audio link are not within the current letter of the Code of Practice, but in the present circumstances of the Coronavirus pandemic they are within the spirit of recent amendments to criminal procedure, law and evidence in the Coronavirus Act 2020. Therefore, we take the view that they are a fair, reasonable and proportionate option to be made available to a suspect who has the benefit of legal advice and who having been fully informed and advised (and together with their appropriate adult where one is required and their defence representative) consents to a remote interview. This enables the rights and interests of detained persons to be protected during the unprecedented circumstances of the Coronavirus crisis

The amended version of the protocol including an amended Annex A and B are attached along with (unchanged) copy of Annex C.

Kind regards,

A stylized handwritten signature in black ink, consisting of a large, looped initial 'G' followed by a vertical line and a horizontal stroke.

Gregor McGill
Director of Legal Services

A handwritten signature in blue ink, appearing to read 'N. Kemp' with a long, sweeping horizontal stroke at the end.

Deputy Chief Constable Nev Kemp
NPCC Lead for Custody